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CHINA & ASIA TRAVEL SERVICE, INC.,

18 D/B/A CHINA INTERNATIONAL TRAVEL SERVICE (USA)

19 UNITED STATES DISTRICT COURT

20 NORTHERN DISTRICT OF CALIFORNIA

21 SAN FRANCISCO DIVISION

22 CHINA INTL TRAVEL SERVICES (USA),
INC.,

23 Plaintiff,

24 v.

25 CHINA & ASIA TRAVEL SERVICE, INC.,
26 D/B/A CHINA INTERNATIONAL TRAVEL
27 SERVICE (USA), and DOES 1-10, inclusive,

28 Defendant.

CASE NO. 08-cv-01293 JSW

**ADMINISTRATIVE REQUEST TO
CONTINUE CMC IN VIEW OF
ENTRY OF DEFAULT;**

**SUPPORTING DECLARATION OF
ROBERT F. MCCAULEY;**

[PROPOSED] ORDER

ADMINISTRATIVE REQUEST

Defendant/Counterclaim Plaintiff CHINA & ASIA TRAVEL SERVICE, INC., D/B/A CHINA INTERNATIONAL TRAVEL SERVICE (USA) ("Defendant/Counterclaim Plaintiff") respectfully requests that: (1) because of the Clerk's Entry of Default against the Plaintiff/Counterclaim Defendant on October 2, 2008 (Dkt. No. 48); and (2) because Defendant/Counterclaim Plaintiff is in the process of preparing papers requesting, *inter alia*, entry of default judgment, an injunction, and an award of attorneys' fees and costs, and expects to file those papers by this upcoming Friday (or, at the latest, the following Friday); the Court **continue the Case Management Conference ("CMC") now scheduled for November 7, 2008, to January 16, 2009, at 1:30 p.m.**

Because Plaintiff/Counterclaim Defendant is in default, undersigned counsel respectfully submits that the Court may properly rule upon this Administrative Motion and continue the CMC without waiting for any opposition (which is not expected to be filed). Nevertheless, Defendant/Counterclaim Plaintiff will continue its practice of serving courtesy copies of papers upon Plaintiff/Counterclaim Defendant and serve a courtesy copy of this Administrative Motion.

SUPPORTING DECLARATION OF ROBERT F. MCCAULEY

I, Robert F. McCauley, declare as follows:

1. I am an attorney admitted to practice in the State of California and the United States District Court for the Northern District of California, and a member of Finnegan, Henderson, Farabow, Garrett & Dunner L.L.P., attorneys of record for Defendant/Counterclaim Plaintiff CHINA AND ASIA TRAVEL SERVICE, INC., D/B/A CHINA INTERNATIONAL TRAVEL SERVICE (USA). The matters referred to in this declaration are based on my personal knowledge and if called as a witness I could, and would, testify competently to those matters.

2. The factual representations made above and in this Administrative Motion are true to the best of my knowledge and belief.

3. I did not attempt to obtain a stipulation for this Administrative Motion because the Plaintiff/Counterclaim Defendant is in default and thus no longer entitled to notice of these proceedings, and also because the representative of Plaintiff/Counterclaim Defendant was not

1 responsive to recent efforts to speak to him regarding, *inter alia*, papers served in this case. As
2 stated above, however, a courtesy copy of this Motion will be served upon Plaintiff/Counterclaim
3 Defendant.

4 I declare under penalty of perjury under the laws of the United States of America that the
5 foregoing is true and correct and that this declaration was executed on October 28, 2008, at Palo
6 Alto, California.


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8 FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

9
10 By: _____/s/_____
Robert F. McCauley,
11 Attorneys for Defendant/Counterclaim Plaintiff
China and Asia Travel Service, Inc.,
12 d/b/a China International Travel Service (USA)

13 ~~—[PROPOSED]~~ ORDER

14 Upon good cause shown, **IT IS HEREBY ORDERED** that the CMC in this case is
15 continued to January 16, 2009, at 1:30 p.m.

16
17 Dated: November 3, 2008

18 
19 Judge Jeffrey S. White
United States District Judge